

**J. GREGORY CORNETT**

DIRECT DIAL 502-560-4210

DIRECT FAX 502-627-8710

gcornett@ogdenlaw.com

1700 PNC PLAZA  
500 WEST JEFFERSON STREET  
LOUISVILLE, KENTUCKY 40202-2874  
(502) 582-1601  
FAX (502) 581-9564  
www.ogdenlaw.com

May 13, 2005

RECEIVED

MAY 13 2005

PUBLIC SERVICE  
COMMISSION

**VIA HAND DELIVERY**

Elizabeth O'Donnell  
Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, Kentucky 40601

**RE: Maria L. Wilson v. Louisville Gas and Electric Company**  
**Case No. 2005-00182**

Dear Ms. O'Donnell:

Enclosed please find and accept for filing the original and ten copies of Louisville Gas and Electric Company's Answer in the above-referenced matter. Please confirm your receipt of this filing by placing the stamp of your Office with the date received on the enclosed additional copies and return them to me in the enclosed self-addressed stamped envelope.

Should you have any questions or need any additional information, please contact me at your convenience.

Very truly yours,

J. Gregory Cornett

JGC/ec

Enclosures

cc: Parties of Record

## RECEIVED

MAY 13 2005

PUBLIC SERVICE  
COMMISSION

)

)

)

1

1

1

)

1

1

1

**ANSWER OF LOUISVILLE GAS AND ELECTRIC COMPANY**

In accordance with the Kentucky Public Service Commission's ("Commission") Order of May 5, 2005 in the above-captioned proceeding, Louisville Gas and Electric Company ("LG&E") respectfully submits this Answer to the Complaint of Maria L. Wilson ("Ms. Wilson") filed on April 29, 2005. In support of its Answer, and in response to the specific averments contained in said Complaint, LG&E states as follows:

1. As an initial matter, LG&E states that the issue here involves the application of Original Sheet No. 82.1 of LG&E's electric tariff, regarding property owner liability for service at his/her property in the absence of an active account, which tariff provision was recently addressed at an informal conference with Commission Staff and other interested parties on March 22, 2005. This matter should be held in abeyance pending a resolution of the issues relating to that tariff provision, as discussed in that informal conference.

2. LG&E admits the allegations contained in paragraph (a) of the Complaint, on information and belief.

3. With regard to the allegations contained in paragraph (b) of the Complaint, LG&E states that its primary business address is 220 West Main Street, Louisville, KY 40202.

4. With regard to the allegations contained in paragraph (c) of the Complaint, LG&E states as follows:

- a. Ms. Wilson is listed as the owner of record, together with Christopher Wilson, of the property located at 10205 Allentree Place (the "Property") in the records of the Jefferson County Property Valuation Administrator.
- b. LG&E is without information or knowledge sufficient to form a belief regarding the truth of the allegation that Ms. Wilson moved from the Property in December 2004 or has not lived there for "six months," but states that Ms. Wilson contacted LG&E by phone on January 7, 2005 and requested that service at the Property be disconnected on January 11, 2005. LG&E states that service to that address was in fact disconnected on January 11, 2005 as requested by Ms. Wilson.
- c. In February 2005, an LG&E representative read the meter at the Property and found no usage since that last recorded when service was disconnected on January 11, 2005. No evidence of tampering with the meter was found during that visit.
- d. On March 7, 2005, an LG&E representative again visited the Property and, at that time, found that the meter had been tampered with, that service was active, and that usage was indicated on the meter. The meter reading was then recorded and service was again disconnected on March 15, 2005.
- e. Because there was no active account for electric service at the Property on March 15, 2005, Ms. Wilson was billed a \$72.00 tampering charge. Ms. Wilson has also since been billed an additional \$31.55 for the actual usage reflected on the meter

at the Property on March 15, 2005. Those billings have been made pursuant to Original Sheet No. 82.1 of LG&E's electric tariff.

5. LG&E denies all allegations in the Complaint which are not expressly admitted in the foregoing paragraphs of this Answer.

#### **FIRST AFFIRMATIVE DEFENSE**

The Complaint, or parts of it, fails to set forth any claim upon which relief can be granted by this Commission and, therefore, should be dismissed.

#### **SECOND AFFIRMATIVE DEFENSE**

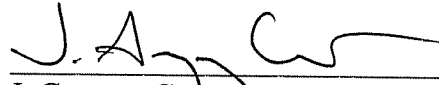
Complainant has failed to set forth a *prima facie* case that LG&E has violated its tariff or any statute or Commission regulation, and the Complaint should be dismissed for that reason.

**WHEREFORE**, for all of the reasons set forth above, Louisville Gas and Electric Company respectfully requests:

- (1) that the Complaint be held in abeyance pending a resolution of the issues relating to the application of Original Sheet No. 82.1 of LG&E's electric tariff, as discussed in the informal conference of March 22, 2005;
- (2) that the Complaint herein be dismissed without further action being taken by the Commission;
- (3) that this matter be closed on the Commission's docket; and
- (4) that LG&E be afforded any and all other relief to which it may be entitled.

Dated: May 13, 2005

Respectfully submitted,



J. Gregory Cornett  
Ogden Newell & Welch PLLC  
1700 PNC Plaza  
500 West Jefferson Street  
Louisville, Kentucky 40202  
Telephone: (502) 582-1601

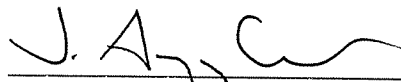
James Dimas  
Senior Corporate Counsel  
Louisville Gas and Electric Company  
220 West Main Street  
Post Office Box 32010  
Louisville, Kentucky 40232  
Telephone: (502) 627-3712

Counsel for Louisville Gas and  
Electric Company

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Answer was served on the following on the 13th day of May 2005, U.S. mail, postage prepaid:

Maria L. Wilson  
1240 Cleo Avenue  
Louisville, Kentucky 40213



Counsel for Louisville Gas and  
Electric Company